

## Message Text

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DRAFTED BY EB/OT/STA:WCLARK,JR.:CLJ

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TO AMEMBASSY OTTAWA

INFO USMISSION GENEVA

C O N F I D E N T I A L STATE 183934

E.O. 11652: GDS

TAGS: ETRD, CA

SUBJECT: ANTIDUMPING CASE AGAINST CANADIAN AUTOMOBILES

1. CANADIAN MINISTER FOR ECONOMIC AFFAIRS GHERSON CALLED ON DEPUTY ASSISTANT SECRETARY GLITMAN ON AUGUST 4 TO EXPRESS CANADIAN CONCERN OVER THE CURRENT ANTIDUMPING INVESTIGATION OF CANADIAN AUTOMOBILES AND TO DELIVER THE FOLLOWING AIDE MEMOIRE. BEGIN TEXT:

THE CANADIAN AUTHORITIES UNDERSTAND THAT THE DEPARTMENT OF THE TREASURY PRESENTLY HAS UNDER CONSIDERATION ANTIDUMPING COMPLAINTS INVOLVING AUTOMOBILES FROM CANADA. THE CANADIAN AUTHORITIES WOULD WISH TO DRAW TO THE ATTENTION OF THE UNITED STATES AUTHORITIES THAT THE ANTIDUMPING COMPLAINTS MADE BY CONGRESSMAN DENT AND THE UNITED AUTO WORKERS OF AMERICA WERE NOT INITIATED ON BEHALF OF THE INDUSTRY AFFECTED, SUPPORTED BY EVIDENCE OF BOTH DUMPING AND OF INJURY RESULTING THEREFROM FOR THIS INDUSTRY AS REQUIRED BY ARTICLE 5(A) OF THE AGREEMENT ON IMPLEMENTATION OF ARTICLE VI OF

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THE GATT. FURTHER, IT IS THE UNDERSTANDING OF THE CANADIAN

AUTHORITIES THAT SECTION 153.26 OF THE UNITED STATES CUSTOMS REGULATIONS DEALING WITH ANTIDUMPING PROCEDURES REQUIRES THAT THE COMPLAINT BE COMMUNICATED ON BEHALF OF AN INDUSTRY IN THE UNITED STATES. IT IS THE VIEW OF THE

CANADIAN AUTHORITIES THAT THESE REQUIREMENTS HAVE NOT BEEN MET BY THE COMPLAINTS SUBMITTED BY EITHER CONGRESSMAN DENT OR THE UNITED AUTO WORKERS OF AMERICA.

THE CANADIAN AUTHORITIES WOULD ALSO WISH TO DRAW ATTENTION TO THE FACT THAT THE COMPLAINT BY THE UNITED AUTO WORKERS OF AMERICA DOES NOT SPECIFY MOTOR VEHICLES FROM CANADA.

THE CANADIAN AUTHORITIES HAVE EXAMINED THE COMPLAINTS AND HAVE FOUND NO EVIDENCE IN THE PETITIONS ESTABLISHING THAT AN INDUSTRY IN THE UNITED STATES HAS BEEN INJURED OR IS LIKELY TO BE INJURED AS REQUIRED BY SECTION 153.27(E) OF THE CUSTOMS REGULATIONS AND IN THIS REGARD WOULD WISH TO REFER TO THE EVALUATION OF INJURY IN ARTICLE 3(D) OF THE AGREEMENT ON THE IMPLEMENTATION OF ARTICLE VI OF THE GATT. FURTHER, THE CANADIAN AUTHORITIES WOULD WISH TO POINT OUT THAT THE PRESIDENT OF THE AUTOMOTIVE VEHICLE MANUFACTURERS ASSOCIATION, IN HIS TESTIMONY BEFORE THE HOUSE LABOR STANDARDS SUB-COMMITTEE OF THE HOUSE OF REPRESENTATIVES ON MARCH 5, EMPHATICALLY STATED THAT, "THE DROP IN DOMESTIC SALES AND THE RISE IN UNEMPLOYMENT HAVE NOT BEEN CAUSED BY THE IMPORTATION OF MOTOR VEHICLES IN THE UNITED STATES, AS SUCH."

THE CANADIAN AUTHORITIES NOTE THAT, IN THE AMENDMENT TO SECTION 516 OF THE TARIFF ACT PUT INTO FORCE BY THE TRADE ACT OF 1974, ONLY AN AMERICAN MANUFACTURER, PRODUCER OR WHOLESALE OF MERCHANDISE OF THE SAME CLASS OR KIND AS DESCRIBED IN AN ANTIDUMPING DETERMINATION MAY FILE A WRITTEN NOTICE WITH THE SECRETARY OF THE TREASURY OF A DESIRE TO CONTEST SUCH DETERMINATION. THE CANADIAN AUTHORITIES WOULD INFER FROM THIS PROVISION THAT A COMPLAINT COULD ONLY BE LEGITIMATELY ACCEPTED FROM A PERSON WHO UNDER THIS PROVISION IS ENTITLED TO APPEAL PROCEDURES.

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IN VIEW OF THE FOREGOING, THE CANADIAN AUTHORITIES WOULD REQUEST THAT THE COMPLAINTS BE REJECTED AND THAT THE ANTIDUMPING PROCEEDINGS BE TERMINATED.--END TEXT.

2. GLITMAN ASSURED GHERSON THAT CANADA'S VIEWS WOULD BE BROUGHT TO THE ATTENTION OF THE APPROPRIATE U.S. GOVERNMENT OFFICIALS. HE POINTED OUT THAT, WITH REGARD TO THE FIRST POINT IN THE CANADIAN AIDE MEMOIRE, THE GATT CODE

CONTAINS THE WORD NORMALLY WITH REGARD TO WHO MAY FILE  
A PETITION AND THIS WORDING WOULD APPEAR TO LEAVE ROOM FOR  
SOME DEVIATION. HE SAID WE WISHED TO HANDLE THIS CASE IN  
MOST FAIR AND EXPEDITIOUS MANNER POSSIBLE AND WOULD ALSO  
CONSIDER THE FINAL POINT MADE IN THE PENULTIMATE  
PARAGRAPH. INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AUTOMOTIVE INDUSTRY, ANTIDUMPING LAW (TRADE)  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 AUG 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** greeneet  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
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**TAGS:** ETRD, CA  
**To:** OTTAWA  
**Type:** TE  
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